



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/216,378	12/18/1998	RIX S. CHAN	450.250US1	9856

24333 7590 04/01/2002

GATEWAY, INC.  
ATTN: MARK S. WALKER  
610 GATEWAY DRIVE  
MAIL DROP Y-04  
N. SIOUX CITY, SD 57049

EXAMINER

LAO, LUN S

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/216,378

Applicant(s)

CHAN ET AL.

Examiner

Lun-See Lao

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Introduction*

1. Claim 1-20 of U.S. application 09/216,378 filed on 12/16/98 is presented for examination.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lambrecht (US PAT 6,259,792).

Regarding claim 1, Lambrecht teaches that a personal computer comprising (see fig.1 col.2 lines 9-35):

a microphone for detecting ambient noise; a noise cancellation module coupled to the microphone that generates a noise cancellation signal responsive to the detected ambient noise (see fig.1 col.2 lines 9-45); and

a digital signal processor for mixing the noise cancellation signal with an audio signal provided from a desired source for provision to an audio output connection (col.3 line 3 – col.4 line 53).

Regarding claims 2-3, Lambrecht discloses that the noise reduction scheme of further comprising an optical disc drive for providing the audio signal (see col.2 lines 9-35 and col.3 lines 35-42) and the noise reduction scheme of the noise cancellation module comprises a software program running on a processor (see col.2 lines 9-35).

Regarding claim 4, Lambrecht discloses that the noise reduction scheme wherein the microprocessor is the central processing unit for the computer system (see col.3 lines 10-22).

Regarding claims 6-7, Lambrecht discloses that the noise reduction scheme of the audio output connection is compatible with a standard set of headphones (see fig.2 #108 and col.3 lines 3-12) and the computer system is a mobile computer (see fig.1).

Regarding claim 8, Lambrecht discloses that a method of reducing ambient noise normally heard by a user through headphones when listening to audio provided via a mobile computer system, comprising (see fig.1 and col.2 lines 7-35): detecting the ambient noise (see col.3 lines 50-63); generating a noise cancellation signal based on the detected ambient noise; and mixing the noise cancellation signal with the audio from the compact disc, wherein the mixed signal is applied to the headphones (see col.2 lines 9-35 and col.3 line 5-col.5 line 50).

Regarding claim 9-12, Lambrecht teaches that the method of reducing ambient noise further comprising converting the detected ambient noise to an electrical signal (see col.3 line 45-col.4 line 25); detecting the ambient noise is performed using a built-in microphone within the mobile computer system (see fig.1 # 154 and col.3 lines 2-30) and the generation of the noise cancellation signal is done when the optical disc drive is active (see col.2 lines 9-35 and col.5 line 20-col.6 line 47); generation of the noise cancellation signal is initiated manually via a software interface (see col.2 lines 9-35 and col.5 line 40-col. line 50).

Regarding claim 13, Lambrecht discloses that a machine readable medium having machine readable instructions stored thereon for causing a computer to perform the steps comprising (see col.3 lines 10-55): detecting environmental background noise; converting the detected environmental background noise into an electrical signal (see col.3 lines 25-61); generating a noise cancellation signal based on the electrical signal; and mixing the noise cancellation signal with an audio signal for provision to an audio output connection (see col.2 lines 9-35 and col.3 line 45-col.5 line 40).

Regarding claims 14-15, Lambrecht teaches that the machine readable medium of generating a noise cancellation signal is performed automatically when the optical disc drive is active (see col.3 line 20-col.4 line 56) and; of generating a noise cancellation signal is activated through a software interface (see col.4 lines 5-55).

Regarding claim 16, Lambrecht teaches that a personal computer comprising (see fig.1 #154):  
a microprocessor; memory coupled to the microprocessor (see fig.2);

a storage device coupled to the microprocessor; a microphone for detecting ambient noise (see col.3 lines 3-61);  
a noise cancellation module coupled to the microphone that generates a noise cancellation signal responsive to the detected ambient noise (see col.3 lines 45-61);  
and a digital signal processor for mixing the noise cancellation signal with an audio signal provided from a desired source for provision to an audio output connection (see col.6 lines 5-25).

Regarding claims 17-18, Lambrecht teaches that the personal computer of further comprising an integrated display device and computer comprises a mobile computer system having an integrated source of power (see fig.1 #154).

Regarding claims 19-20, Lambrecht teaches that the personal computer of the noise cancellation module is part of the microprocessor (see col.6 lines 5-25) and the personal computer comprises a mobile computer system and the noise cancellation module is provided by the microprocessor (see col.6 lines 5-50).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambrecht (US PAT. 6,259,792) in view of Eatwell (US PAT. 5,828,768).

Regarding claim 5, Lambrecht teaches that a mobile computer comprises a noise reduction scheme system, but lambrecht fails to discloses that the noise reduction scheme includes the digital signal processor is located on a sound board.

However, Eatwell discloses that the noise reduction scheme includes the digital signal processor is located on a sound board (see col.6 line 15-col.7 line10).

Therefore, it would obvious to one of ordinary skill in the art at the time invention was made, would have motivated to combine the teaching of Lambrecht and Eatwell to achieve a waveform playback device in multi-media computer perform well in noisy environments.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Norris (US PAT. 5,363,444) and Norris et al (US PAT. 5,373,555) are recited to show other related the noise reduction scheme for a computer system.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (703) 305-2259. The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

Art Unit: 2643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao, Lun-See *LS*  
Patent Examiner  
US Patent and Trademark Office  
Crystal Park 2  
(703) 305-2259

*pn*  
**DUC NGUYEN**  
**PRIMARY EXA**